

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

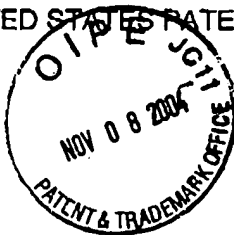
In re Application of  
**Batca et al.**

Serial No.: 09/880554

Filed: June 13, 2001

For: **Single Stack Exercise Machine with  
Adjustable Pulls**

Attorney's Docket No: 4341-011



Patent Pending

Examiner: Mr. Victor K. Hwang

Group Art Unit: 3764

Copy of  
Artifact  
11/08/2004  
JH  
3/22/05

**DECLARATION OF L. RON BATCA**

I, L. Ron Batca, am a named inventor in the above-identified patent application.

1. My brother, Roger Batca, and I own a small company called Batca Fitness that manufactures multi-station exercise equipment. We started building exercise equipment as a hobby during college. After I graduated college in 1989, we started Batca Fitness. Batca Fitness is a very small company that employs approximately 12 to 15 persons. Roger and I design the exercise equipment, which our company manufactures.

2. Prior to February 9, 2001, Roger and I conceived an exercise machine with adjustable hand pulls as described and claimed in the above-identified patent application. We refer to this exercise machine as the FT3. The first prototype of the FT3 exercise machine was constructed and tested prior to February 9, 2001. The first prototype included all of the elements in claims 1 and 6. A photograph of the first prototype is attached hereto as Exhibit 1.

3. At the time we conceived and designed the FT3 exercise machine, Batca Fitness did not employ any engineers or draftsmen. At the time the FT3 was conceived and built, we usually made hand sketches of our ideas and constructed prototypes of our exercise machines from our hand sketches. During the course of our product development, we would provide our hand sketches to an outside draftsman to make drawings of the exercise machine and components. Typically, we would construct the prototype using "rough cut" parts rather than

"shaped parts" that would appear in the final design. For example, a "rough cut" part may comprise a simple rectangular plate to which a pulley could be mounted, whereas the final production part would be shaped to conform to the geometry of the pulleys. After testing the prototype to make sure that our design concepts worked in practice, we would typically begin the process of designing parts for a commercial embodiment. At this point, we would make hand sketches of parts with a desired shape and send the hand sketches to our draftsman. The draftsman would draw the parts and the drawings would be sent to fabricators to obtain quotations for fabrication.

4. Exhibit 2 is a collection of hand sketches that were made by Roger and I during the development of the FT3 machine. The hand-sketches reflect our hands-on design process in which product design and prototype development are done concurrently.

5. Exhibit 3 is a hand made drawing for a finished part for a commercial embodiment of the invention. As described above, it was our practice to make hand sketches of finished parts for commercial products after our prototype machines was built and tested. This particular part is a side plate for the sliding carriage on the adjustable pull. We would not have used a finished part of this type for the original prototype. Rather, the original prototype would have been made with a rough cut part that was shaped after the prototype was built and tested to make it suitable for a commercial product.

6. Exhibit 4 is a drawing of the same part that was sent to us by our draftsman by facsimile. The drawing in Exhibit 4 has a time stamp dated January 22, 2001. The drawing includes detailed dimensions suitable for use by an outside vendor to fabricate the part. This document shows that we were finished with the prototype development and were in the process of designing a commercial embodiment of our invention by January 22, 2001.

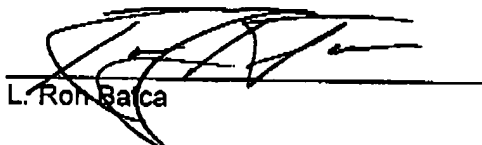
7. While in the process of designing components for the commercial embodiment, we contacted our patent attorney to have a patent application prepared. Work on our patent application was done concurrently with the design of the commercial embodiment. Work on the

patent application began some time in March or April of 2001. We received a first draft of the patent application in April 2001. After several revisions, the application was filed on June 16, 2001.

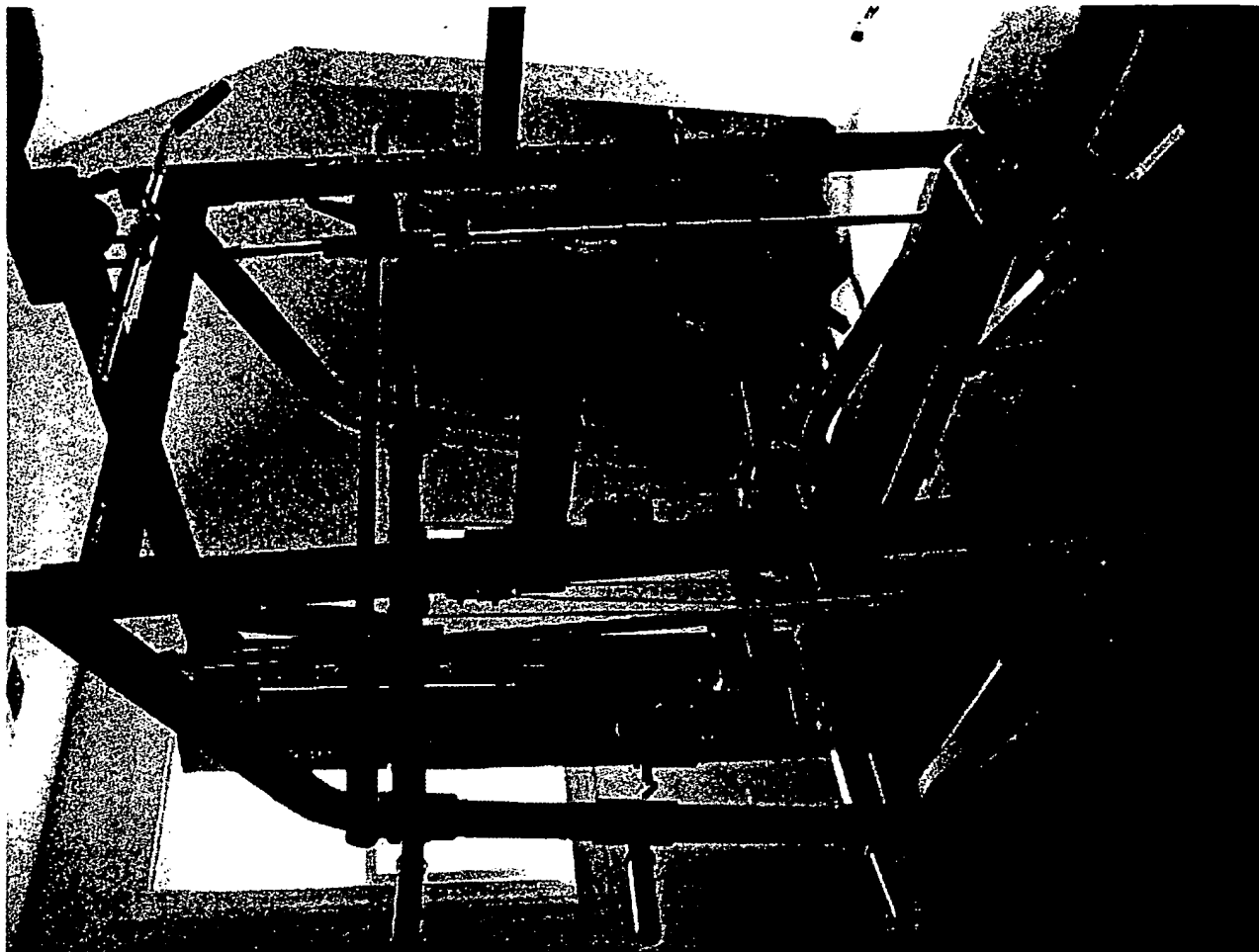
8. The original prototype was displayed in our showroom while we were in the process of obtaining quotes for components for a commercial embodiment of the invention. The FT3 exercise machine was displayed in our showroom at least as early as March 2001. We received our first order on March 31, 2001. The FT3 was displayed at the Health and Fitness Business Expo in Denver, Colorado in August 2001.

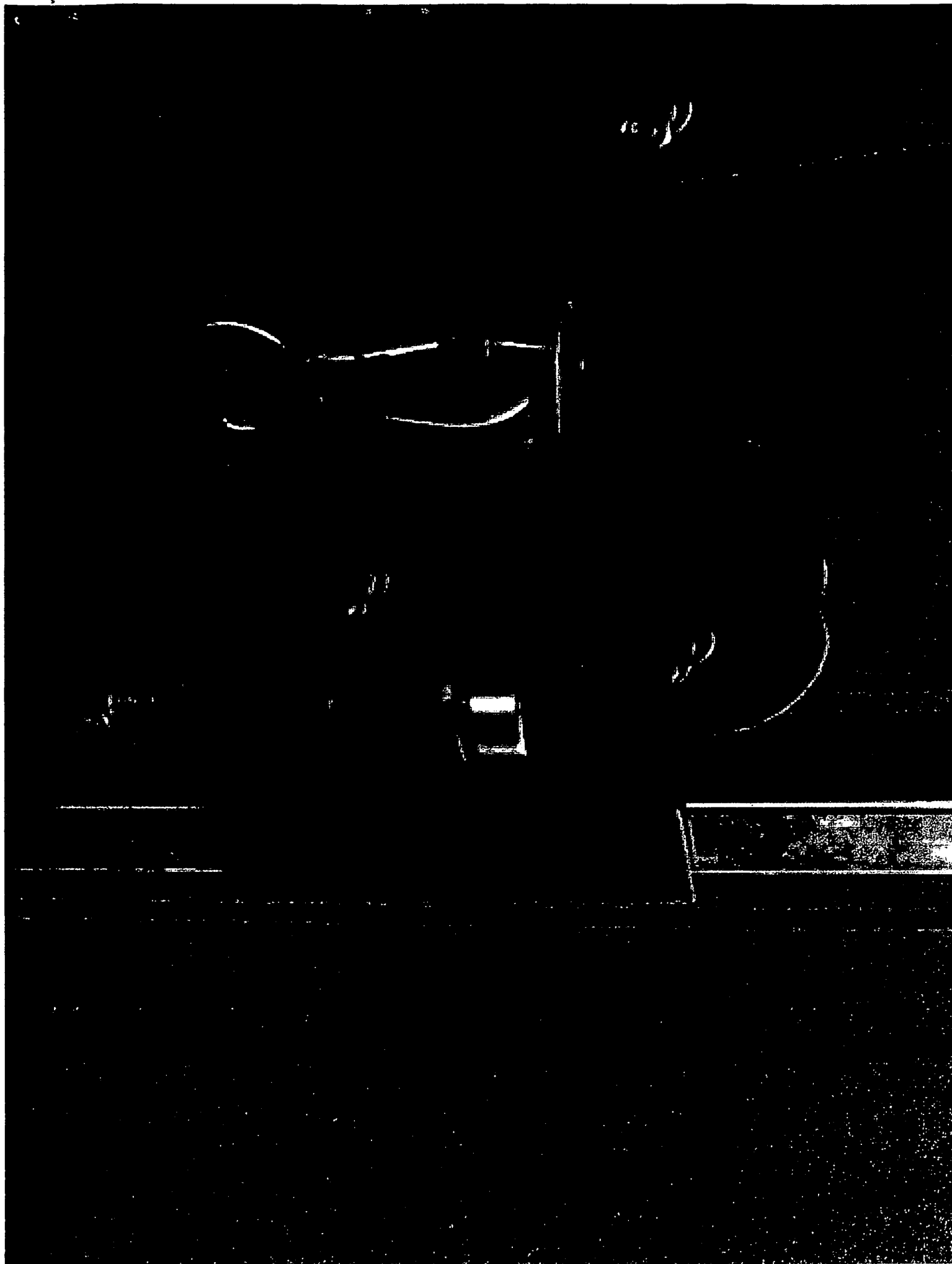
9. The original prototype was eventually sold to Danny Mitchell in New Hill, North Carolina on August 29, 2001. A copy of the invoice for the sale of the prototype machine is attached hereto as Exhibit 5.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

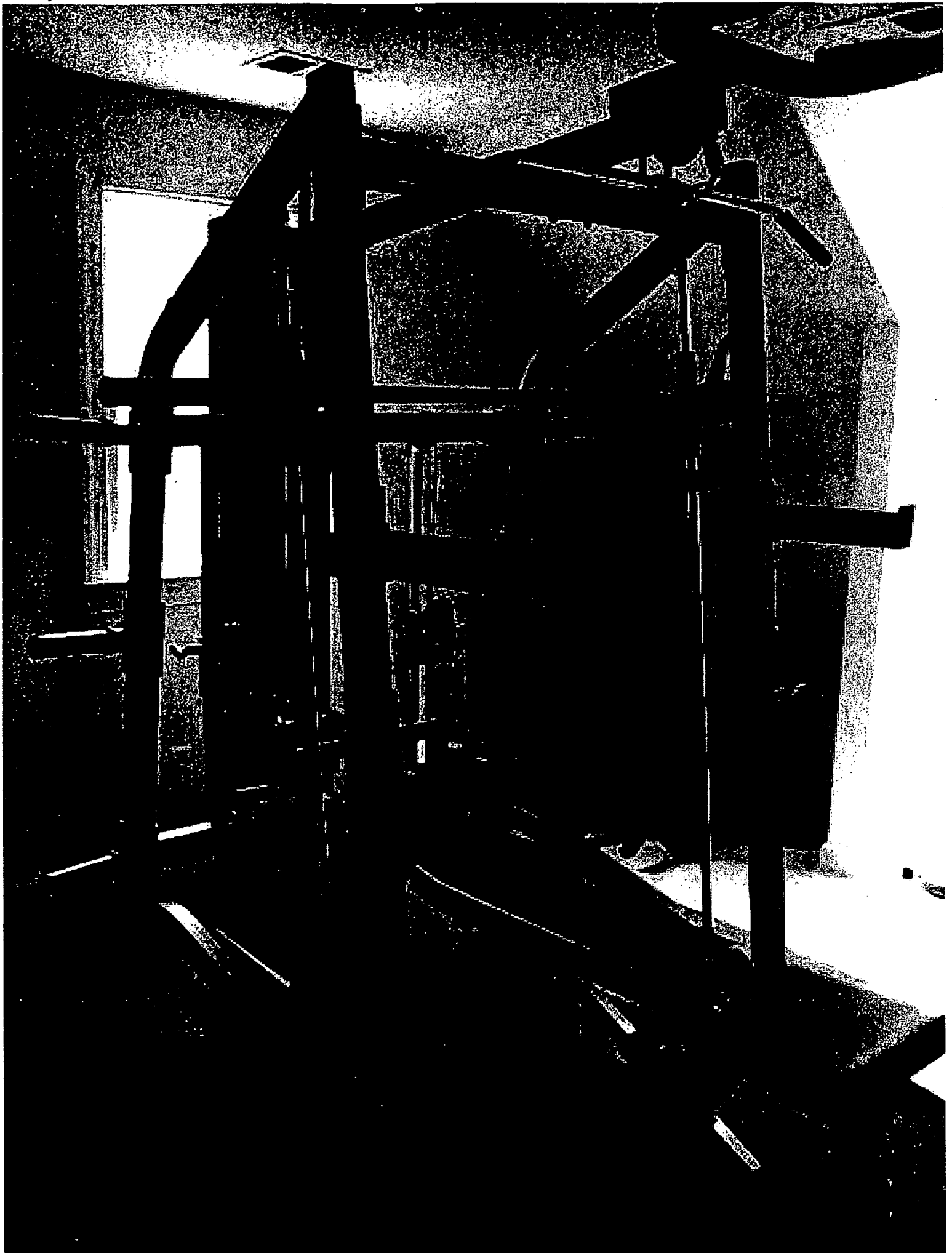


L. Ron Batca

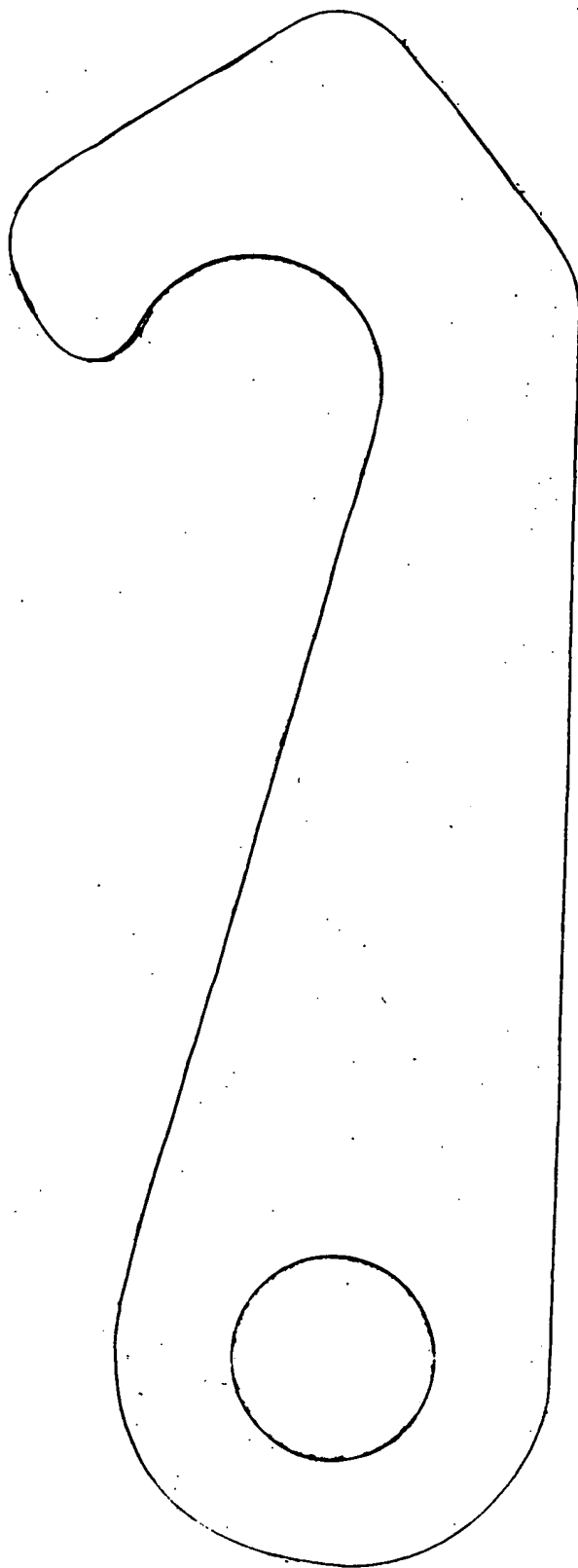








SMITH BAR HOOK





F3

CABLES

2-10-01

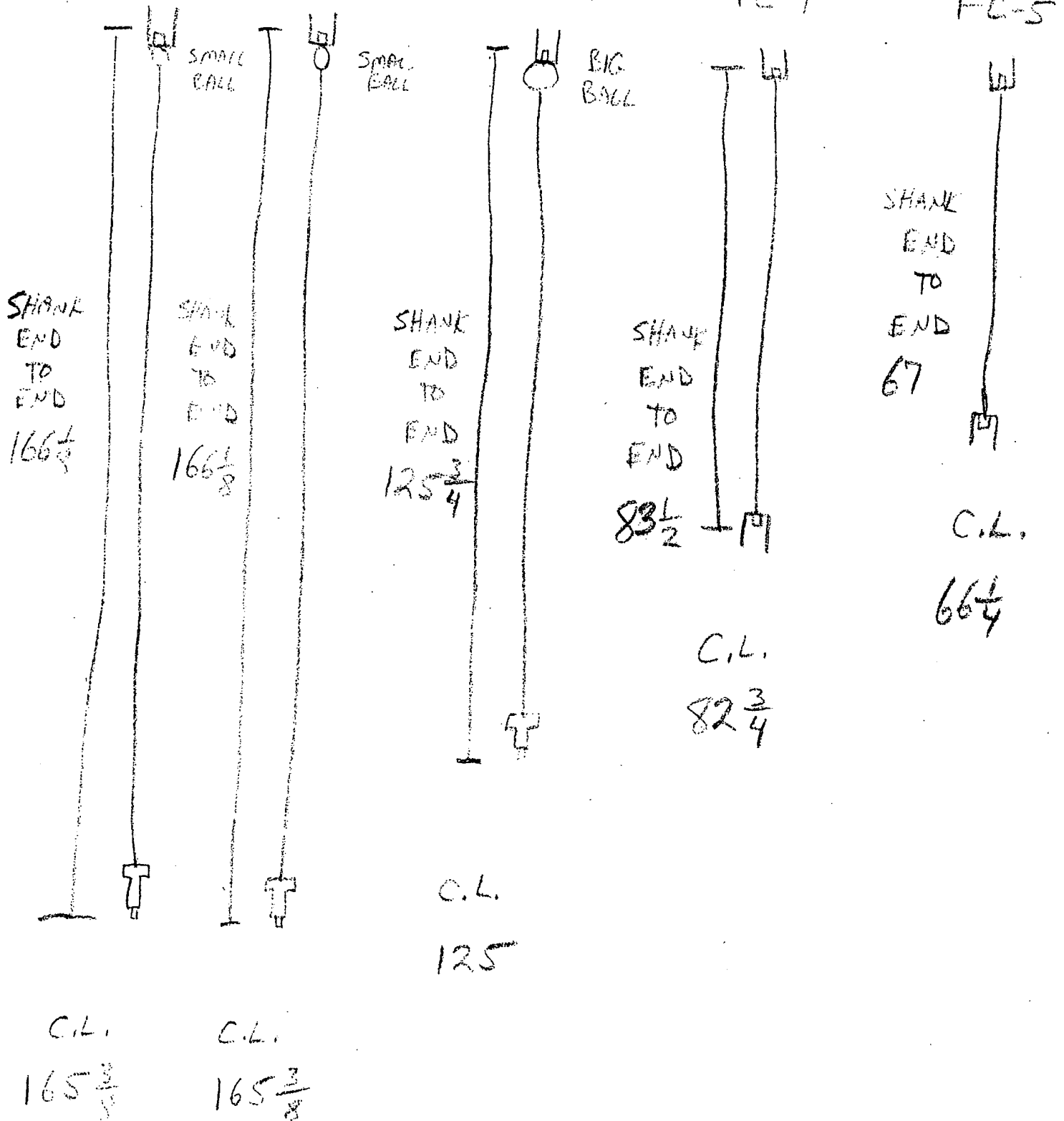
FC-1

FC-2

FC-3

FC-4

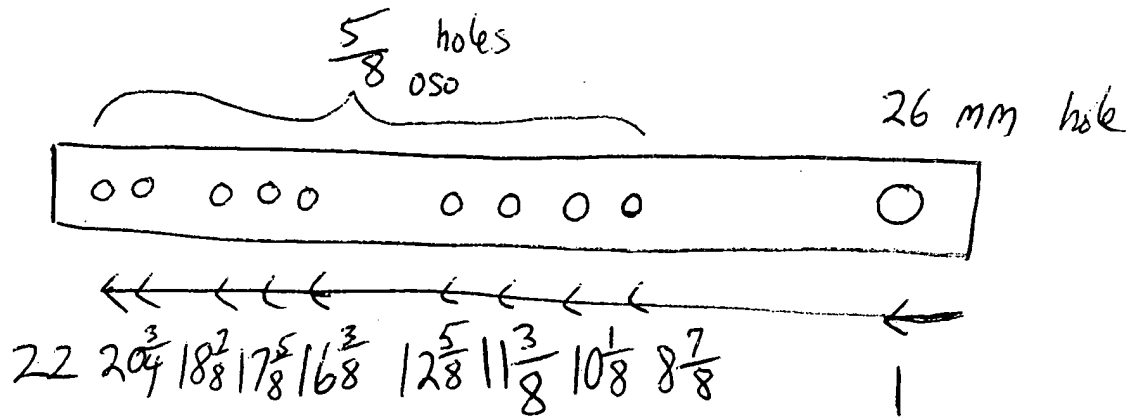
FC-5



1.875

3.75

7.875

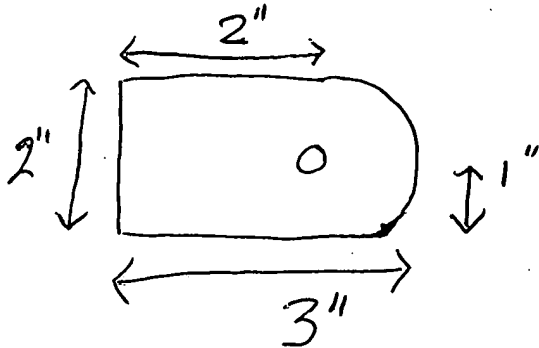


$1\frac{1}{2} \times 1\frac{1}{2} \times 25$

NEW PARTS

① SAFETY CATCH PLATE

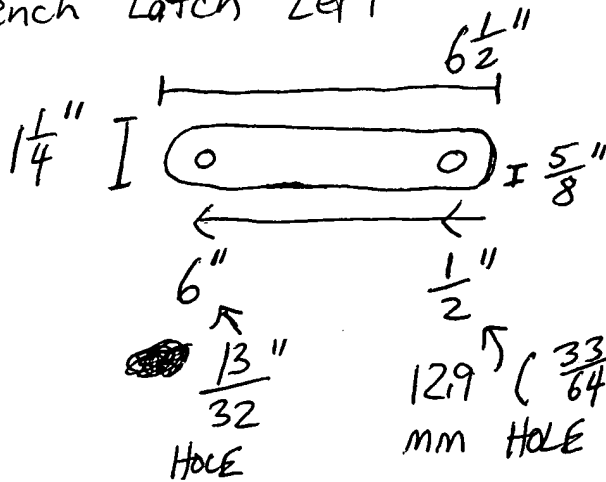
$\frac{1}{4}$ " THICK PLATE



12.9 mm  
HOLE  
( $\frac{33}{64}$ " )

② Bench Latch Left

$\frac{1}{4}$ " THICK PLATE

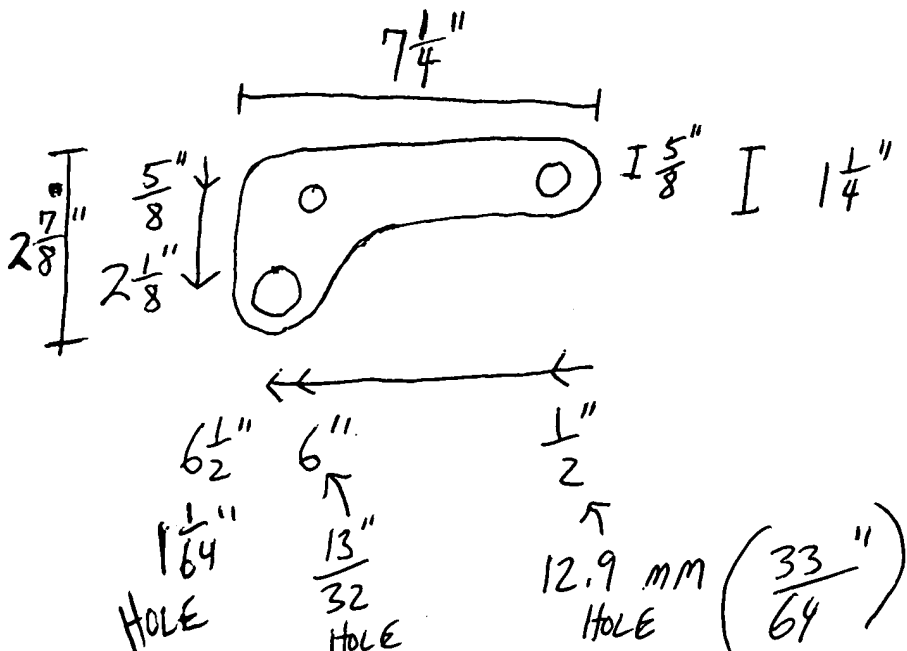


RADIUS CORNERS

6"  
 $\frac{13}{32}$ "  
HOLE

12.9 mm  
( $\frac{33}{64}$ " )  
HOLE

③ Bench Latch Right



$\frac{1}{64}$ "  
HOLE

$\frac{13}{32}$ "  
HOLE

12.9 mm  
( $\frac{33}{64}$ " )  
HOLE

# LASER PARTS

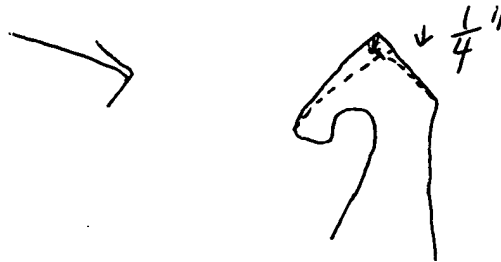
PAGE 2 OF 4

## 5 PARTS TO MODIFY

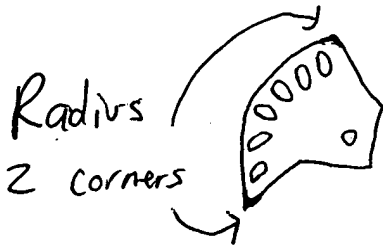
① SMITH HOOK SM-L064



TOP PEAK SHOULD BE  $\frac{1}{4}$ " Lower



② Low Row BRACE CAM SM-095



Radius  
2 corners

SLOT WIDTH SHOULD BE  $\frac{17}{32}$ "



$\frac{17}{32}$ "

(may already be correct)

③ WEIGHT STACK CONNECTOR SM-029



RADIUS CORNERS SO THEY ARE NOT SHARP

④ SAFETY CATCH SM-048



RADIUS CORNERS SO THEY ARE NOT SHARP

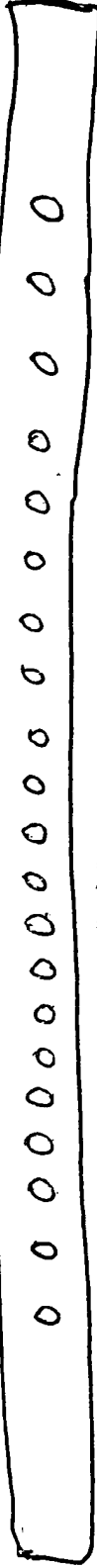
⑤ J-HOOK SM-L018



RADIUS CORNERS SO THEY ARE NOT SHARP

77 1/16

20° Long Side



64 62 60 58 56 54 52 50 48 46 44 42 40 38 36 34 32 30 28 26 24

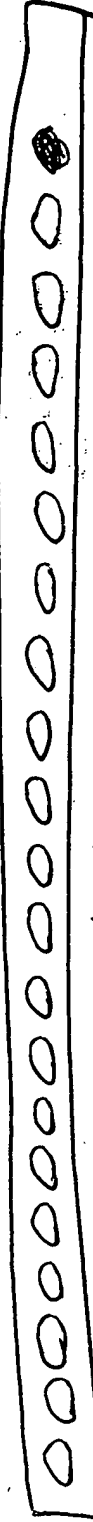


21 holes

at 1/8 Horgan

2" spread  
on centers

20° Short Side




69 66 63 60 57 54 51 48 45 42 39 36 33 30 27 24 21 18 15 12 14 1/4

20 slots

at 1/8 roughing end mill

2 1/4" long slots

76  
 90°  70° 2X3X 77 7/16 SQUARE TO LONG END

2 FRONT POST  
 QUANTITY 2

FRONT VIEW

BACK VIEW

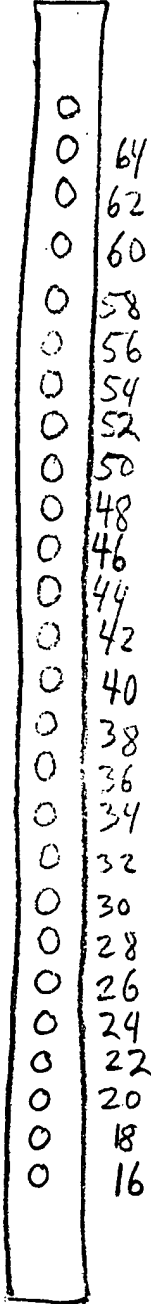
SIDE VIEW

SQUARE CUT END

SQUARE CUT END

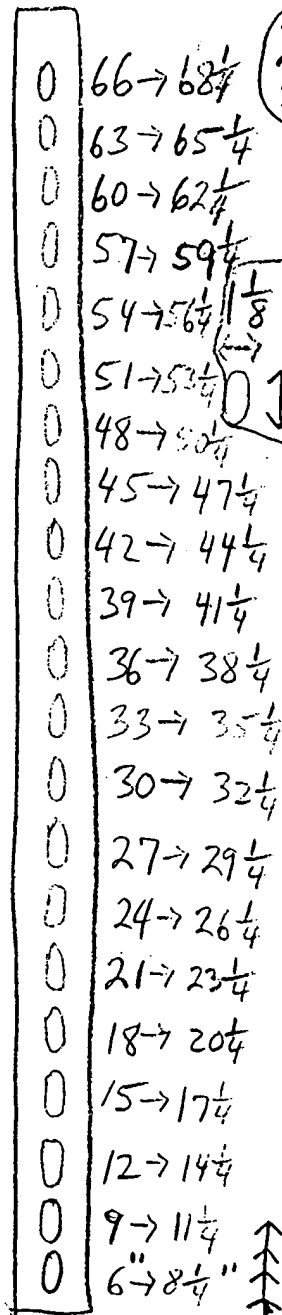
SQUARE CUT END

1 1/8"  
 HOLES



LONG SIDE  
 OF CUT

ON  
 CENTER  
 HOLE



SHORT SIDE  
 OF CUT

21  
 SLOTS

1 1/8"  
 2 1/4"

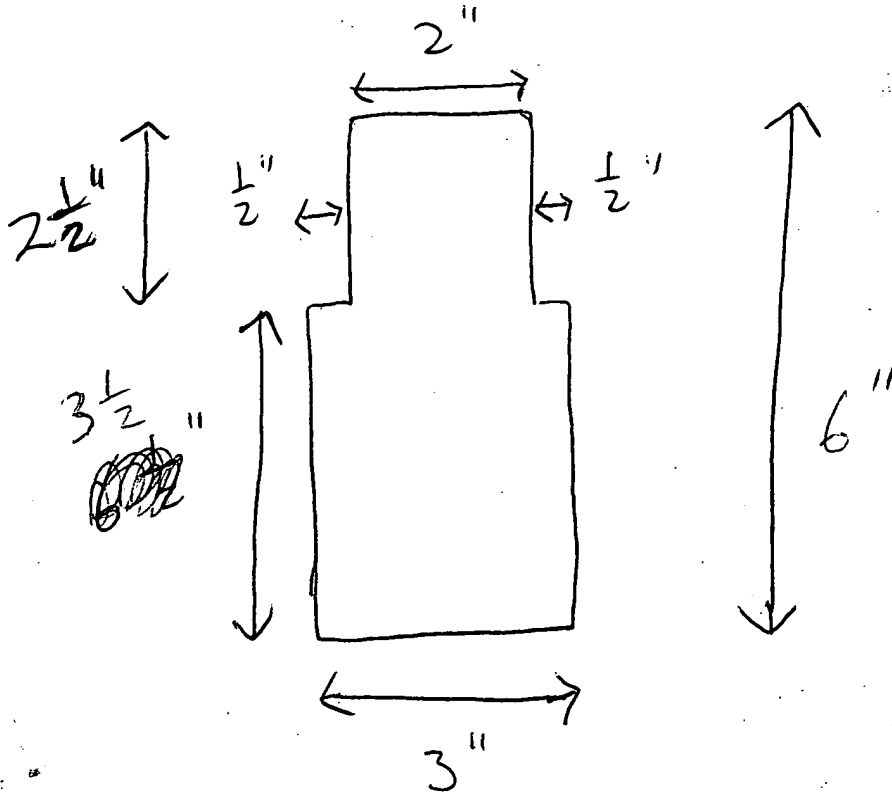


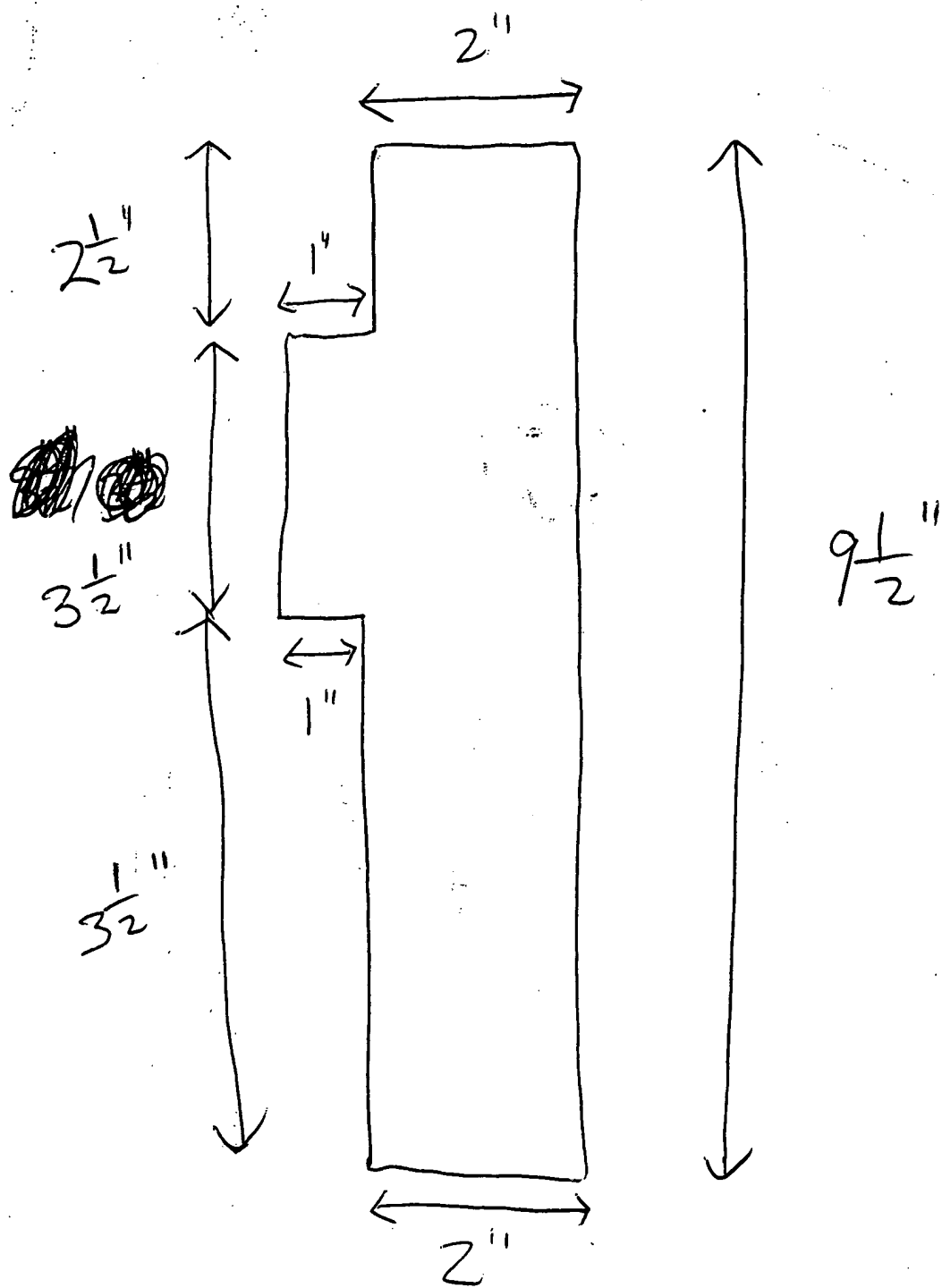
9 1/16"  
 HOLES

70° CUT

$\frac{Qty}{2}$

$\frac{3}{8} \times 3 \times 6$





Start with  
 $\frac{3}{8}'' \times 3 \times 9 \frac{1}{2}$



LEFT

RIGHT

$\frac{7}{16}$ " holes  
thru

↓  
OVAL SHAPE

$$O \updownarrow \frac{1}{2}$$

(152)

58

$$1\frac{1}{2} \times 1\frac{1}{2} \times 4\frac{5}{8}$$

4 Quantity

FITS BETWEEN TUBES  
AND MIDDLE AND LOWER

$$\frac{1}{4} \times \frac{1}{2} \times 3 \quad \text{spaces:}$$

○

1

$$\downarrow \frac{1}{2}$$

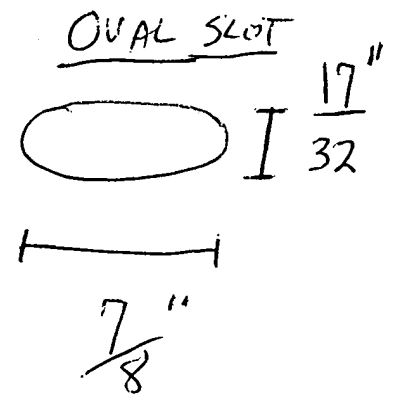
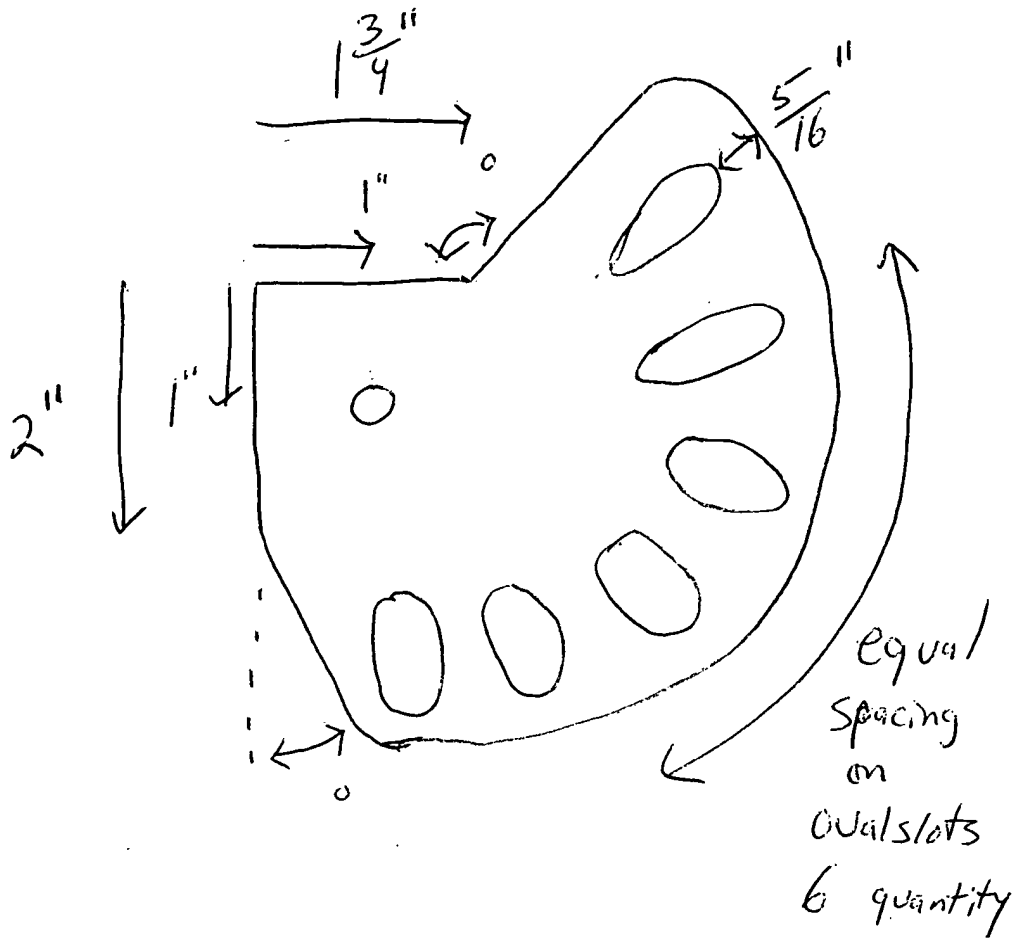
1000

7" holes

1

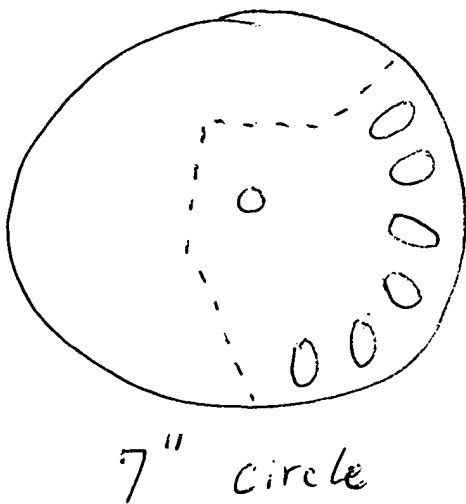
1

# LASAR CAM FOR LOW ROW & BENCH BRACE

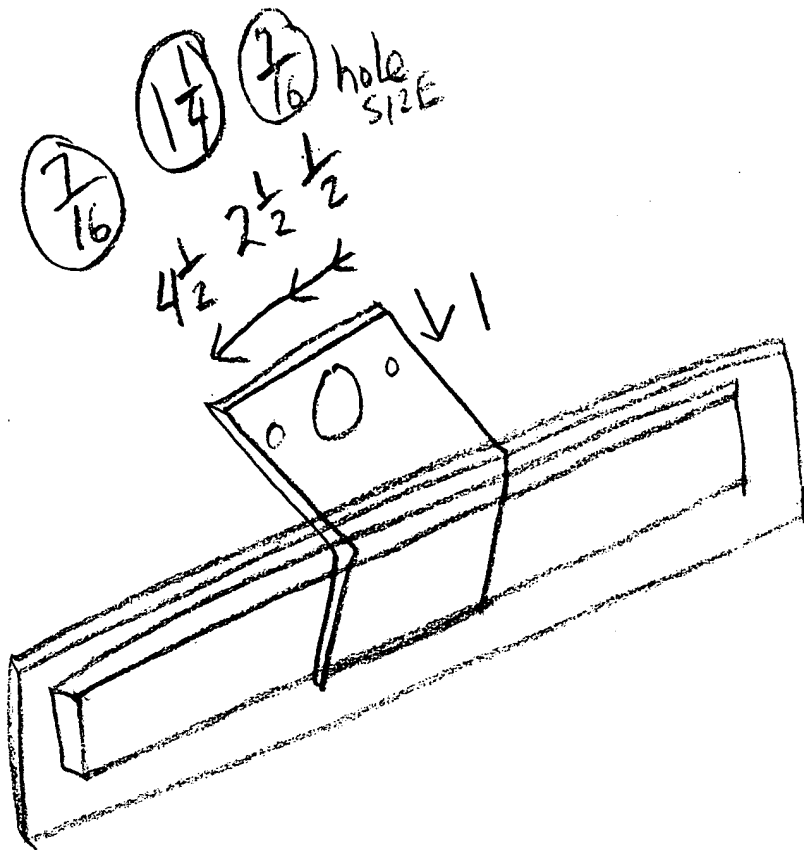


HOLE

Ø 12.9 mm

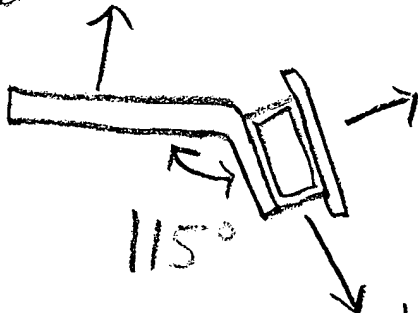


# Low Row Foot BRACE



## SIDE VIEW

$\frac{3}{8} \times 5 \times 6$  PLATE



DIAMOND PLATE

$\frac{3}{16} \times 4 \times 18$

$1\frac{1}{2} \times 2 \times 16$

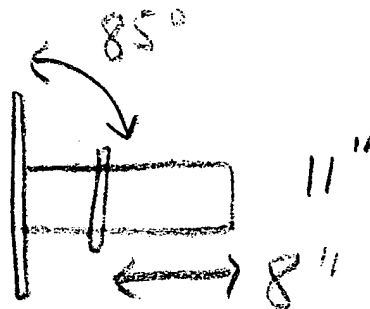
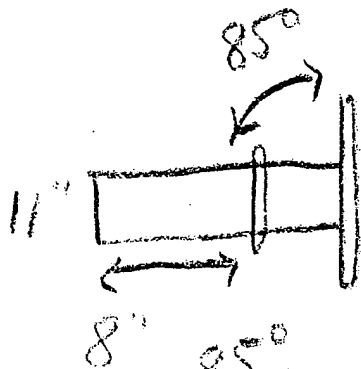
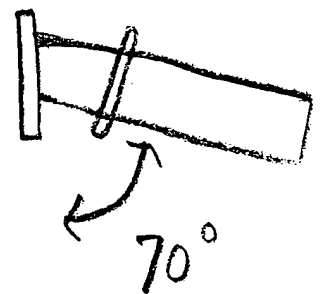
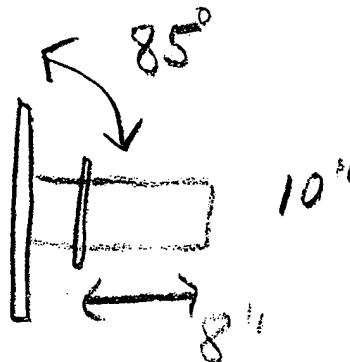
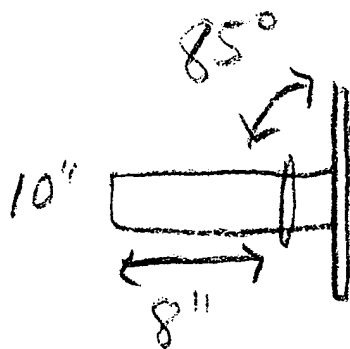
.120 WALL

RECTANGLE TUBING

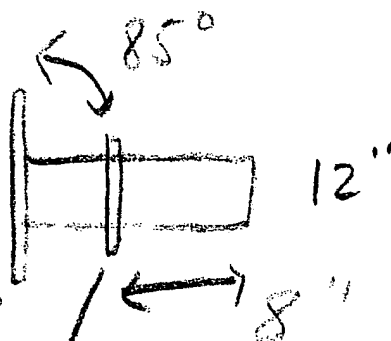
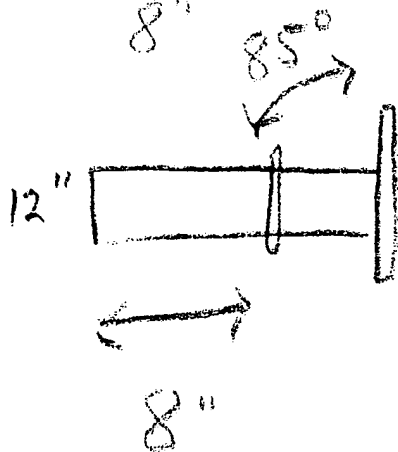
OLYMPIC  
PLATE  
TREES

FRONT  
VIEW

OVER HEAD  
VIEW

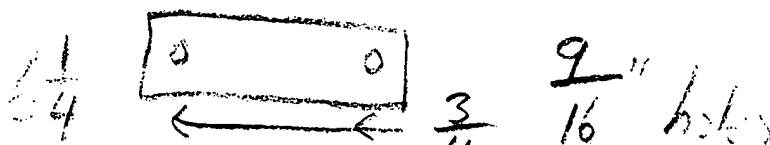


1.90" O.D.  
ROUND  
TUBING  
.145 WALL

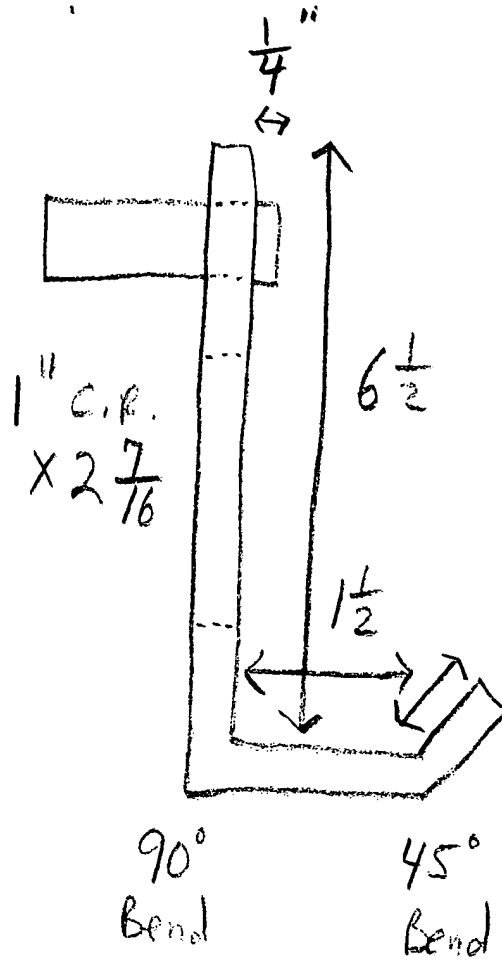
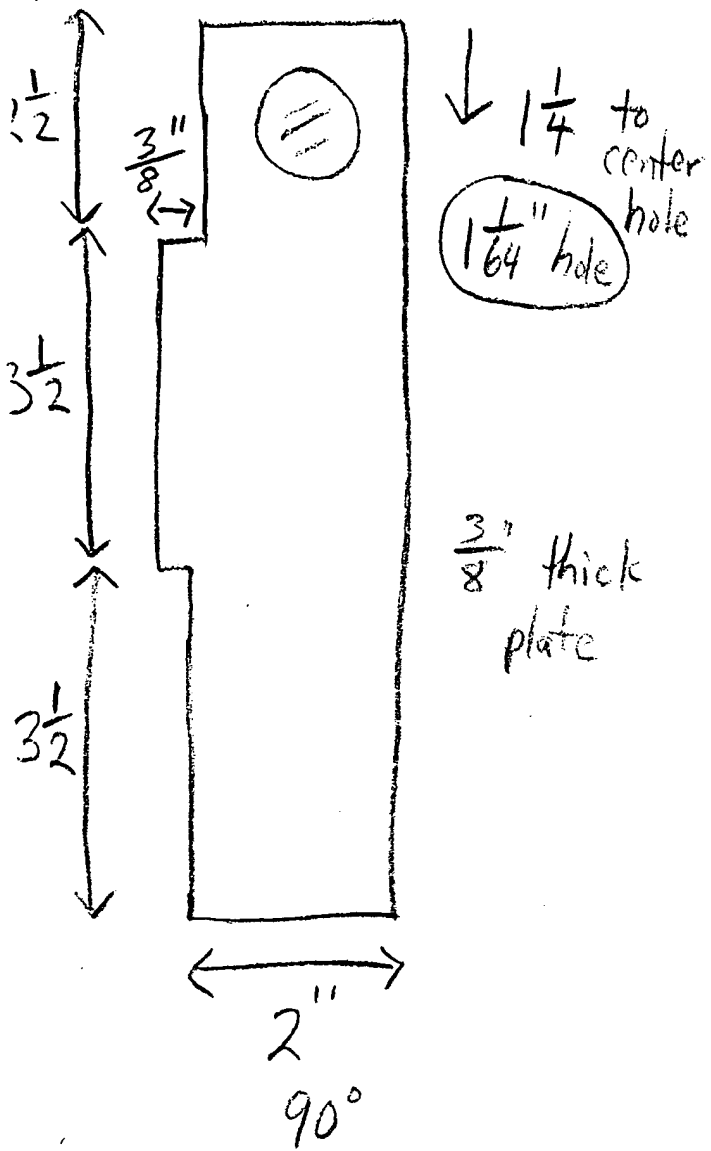


2 1/2" O.D.  
ROUND TUBING  
1 7/8" I.D.

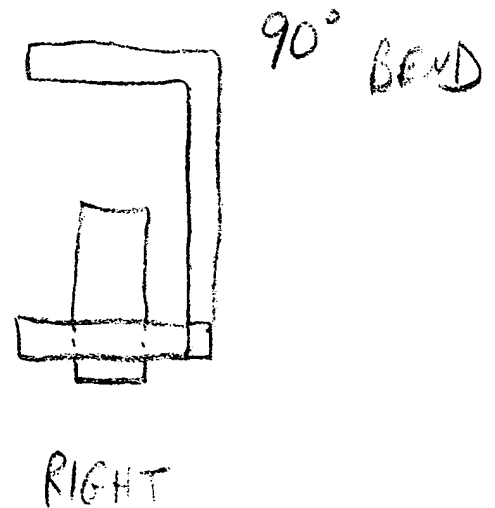
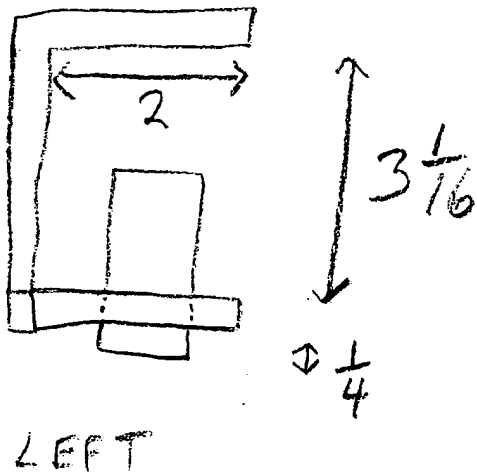
1/4 X 3 X 7  
FLAT PLATE



J-HOOKS  
1 LEFT  
1 RIGHT

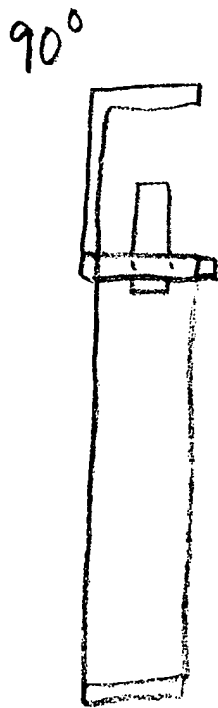
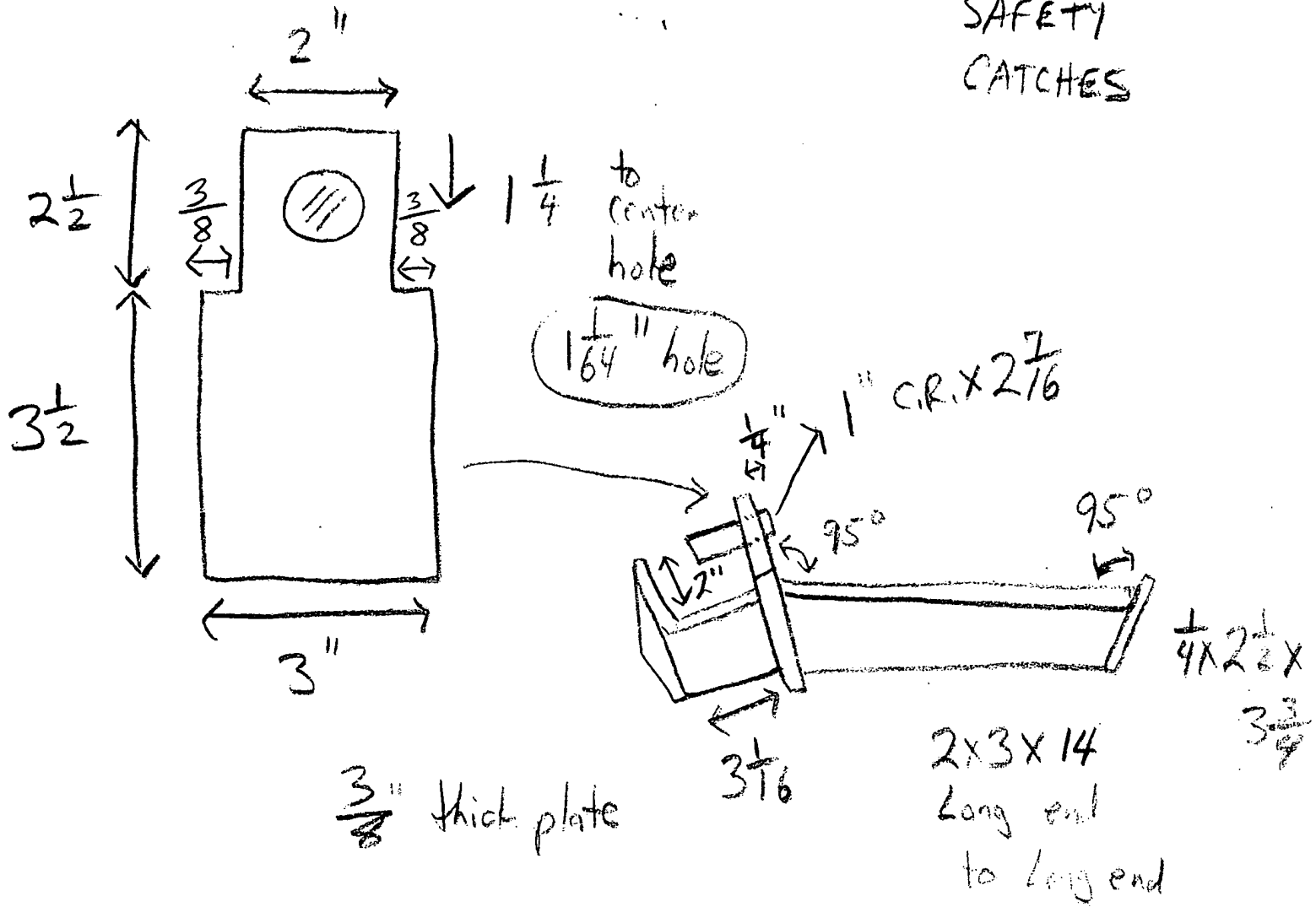


$\frac{3}{8}$  thick  
 $\times 3$  wide  
plate.



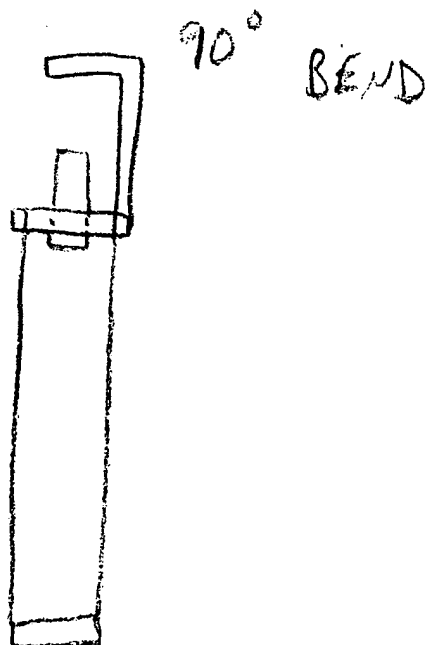
OVER HEAD  
VIEW

# SAFETY CATCHES



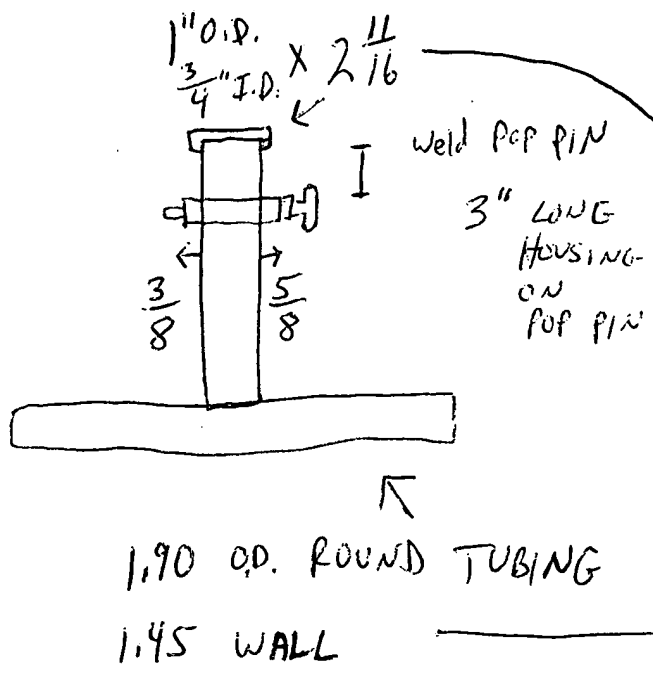
LEFT

OVER HEAD  
VIEW

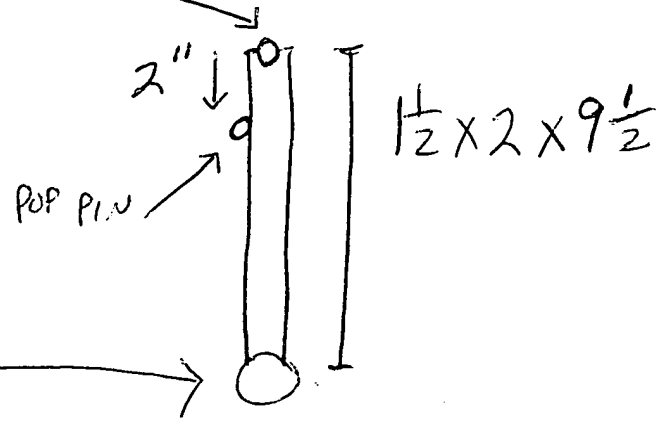


RIGHT

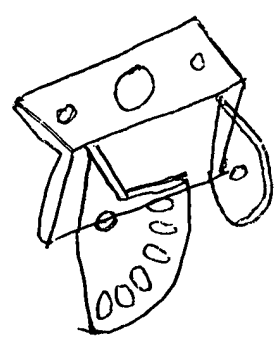
(LOW ROW) BRACE  
& BENCH



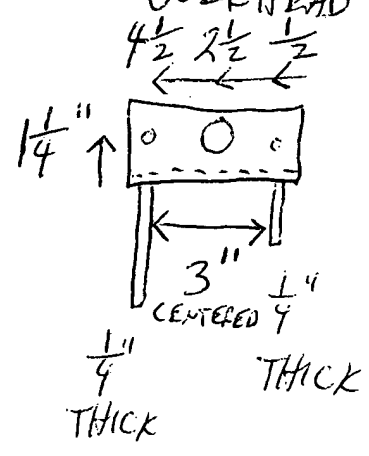
SIDE VIEW



ANGLE VIEW

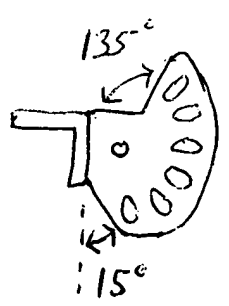


OVERHEAD VIEW



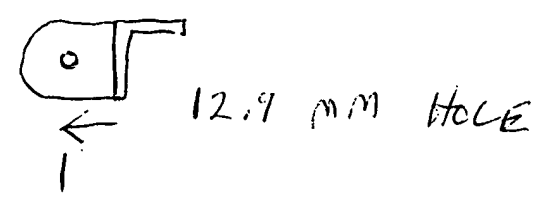
2 OUTER HOLES  $\frac{7}{16}$ "  
 CENTER HOLE  $1 \frac{1}{8}$ "  
 $\frac{1}{4} \times 2 \times 2 \times 5$   
 ANGLE IRON

LEFT SIDE VIEW

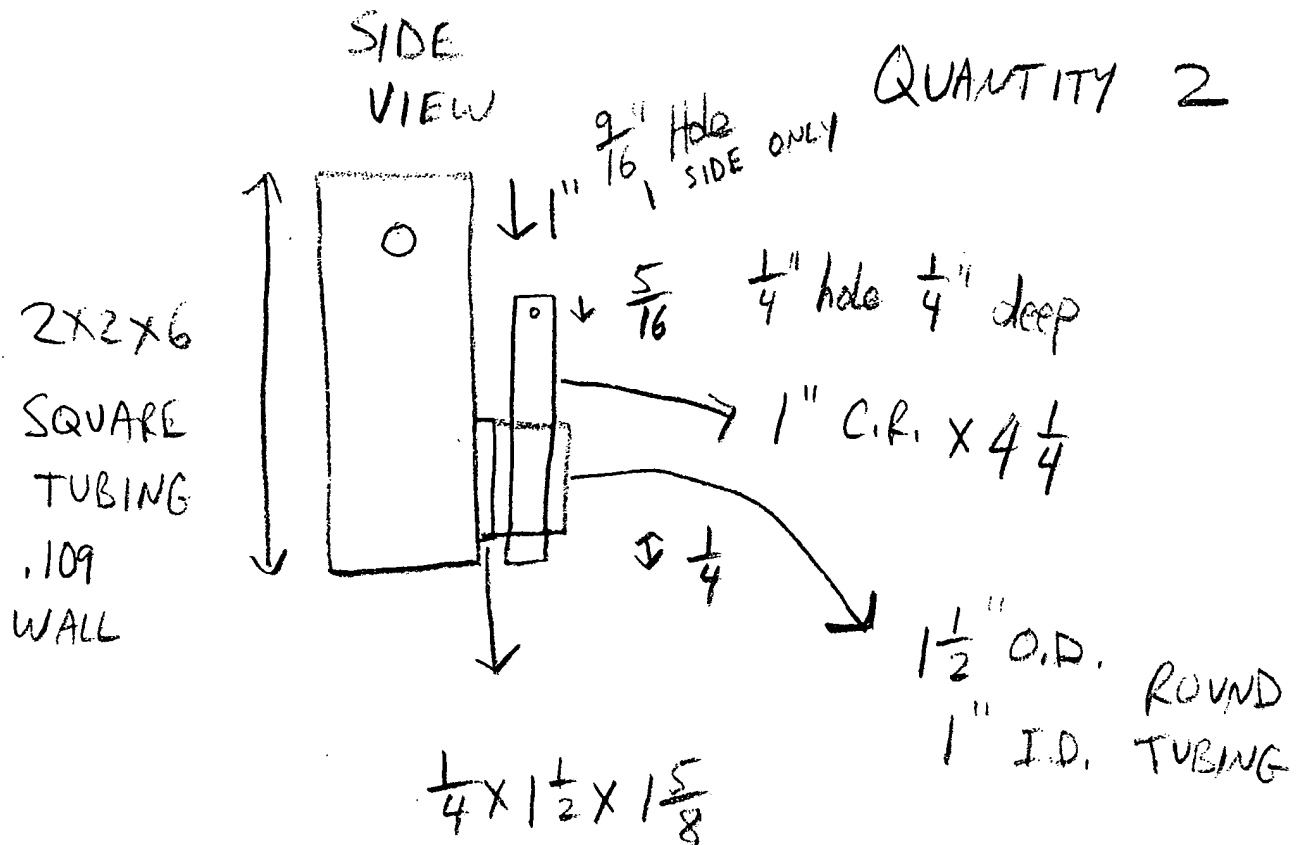


RIGHT SIDE VIEW

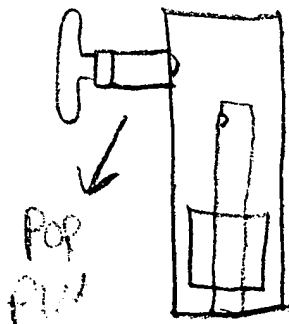
$\frac{1}{4} \times 2 \times 2$



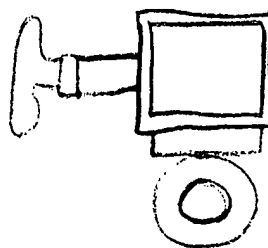
# SLIDING CABLE COLUMN TUBES



FRONT  
VIEW



TOP  
VIEW





FT-3

①

SIZE

2x3 11G

LENGTH

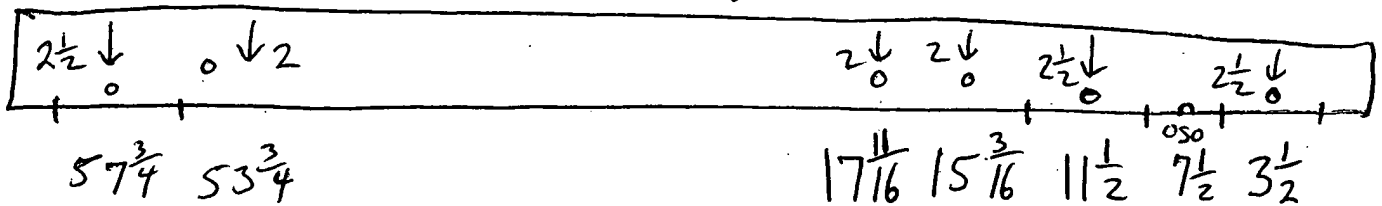
61  $\frac{9}{16}$

QTY

1

~~2x3 11G~~ LAT  
~~2x3 11G~~ TO  
STACK

SEAM SIDE  
↓



61 55

$\frac{1}{2}$

$14\frac{1}{4}$   $8\frac{3}{4}$   $6\frac{1}{4}$   $\frac{3}{4}$  SLOT

②

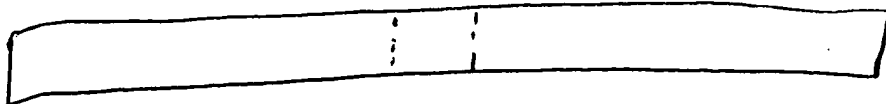
2x3 11G

TOP CROSS  
MEMBER

$43\frac{1}{2}$

1

~~2x3 11G~~  $\frac{1}{2}$



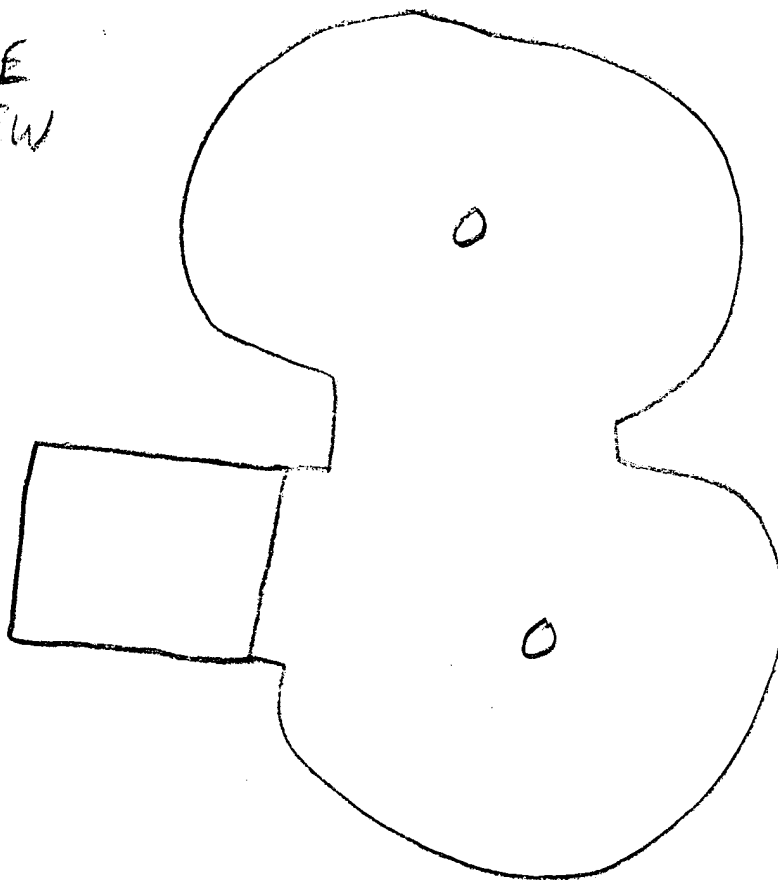
$23\frac{3}{4}$   $19\frac{3}{4}$

SWIVEL  
PULLEYS

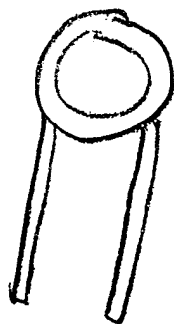
QUANTITY 2

SIDE  
VIEW

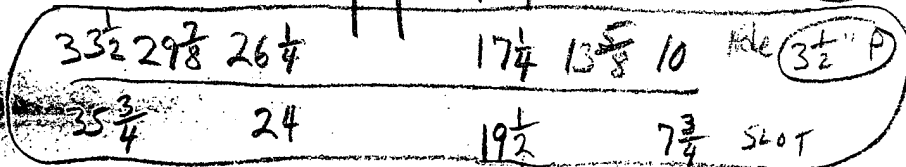
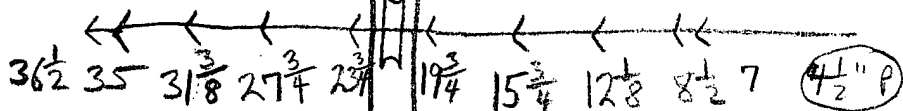
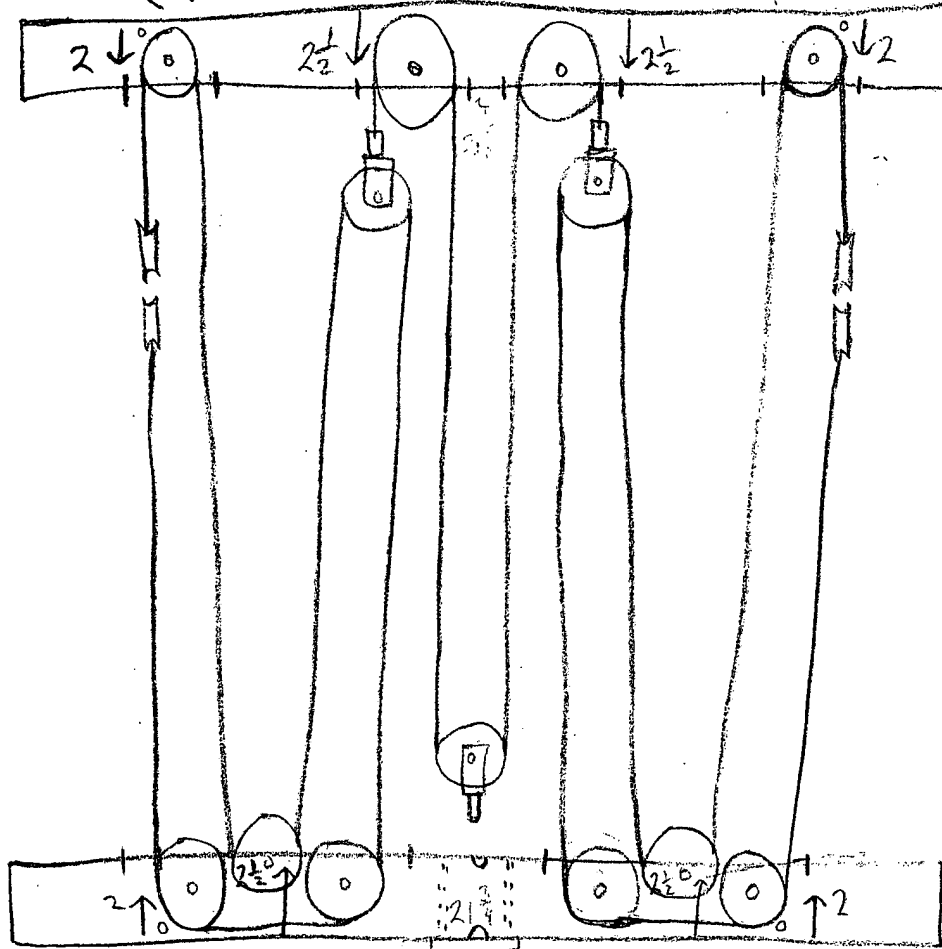
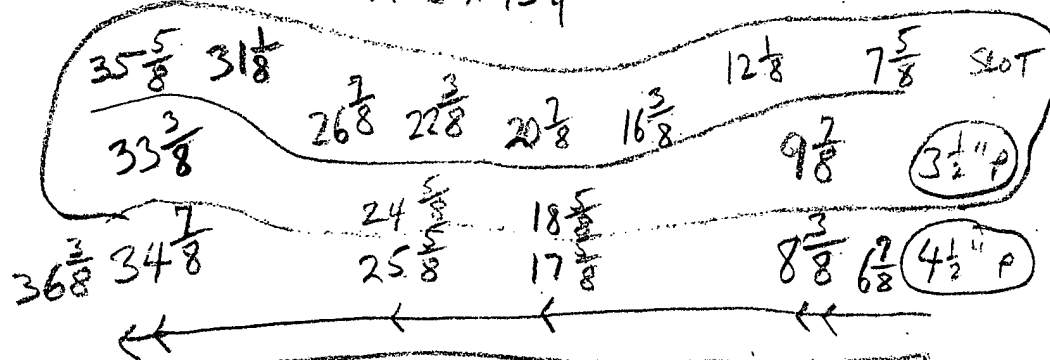
$1\frac{3}{4}$  ROUND  
TUBING  
X  $1\frac{1}{2}$   
 $\frac{1}{4}$ " WALL



TOP VIEW

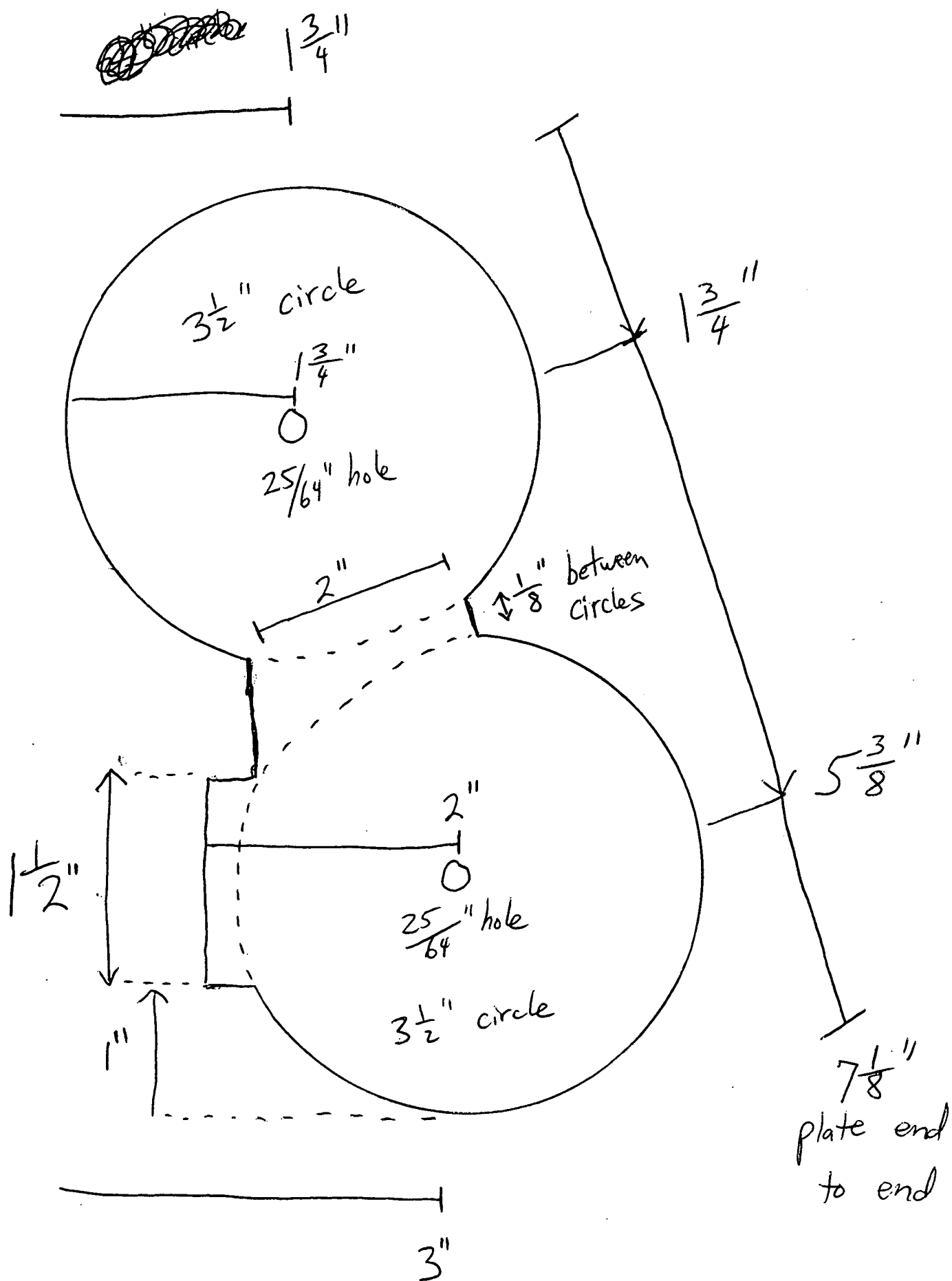


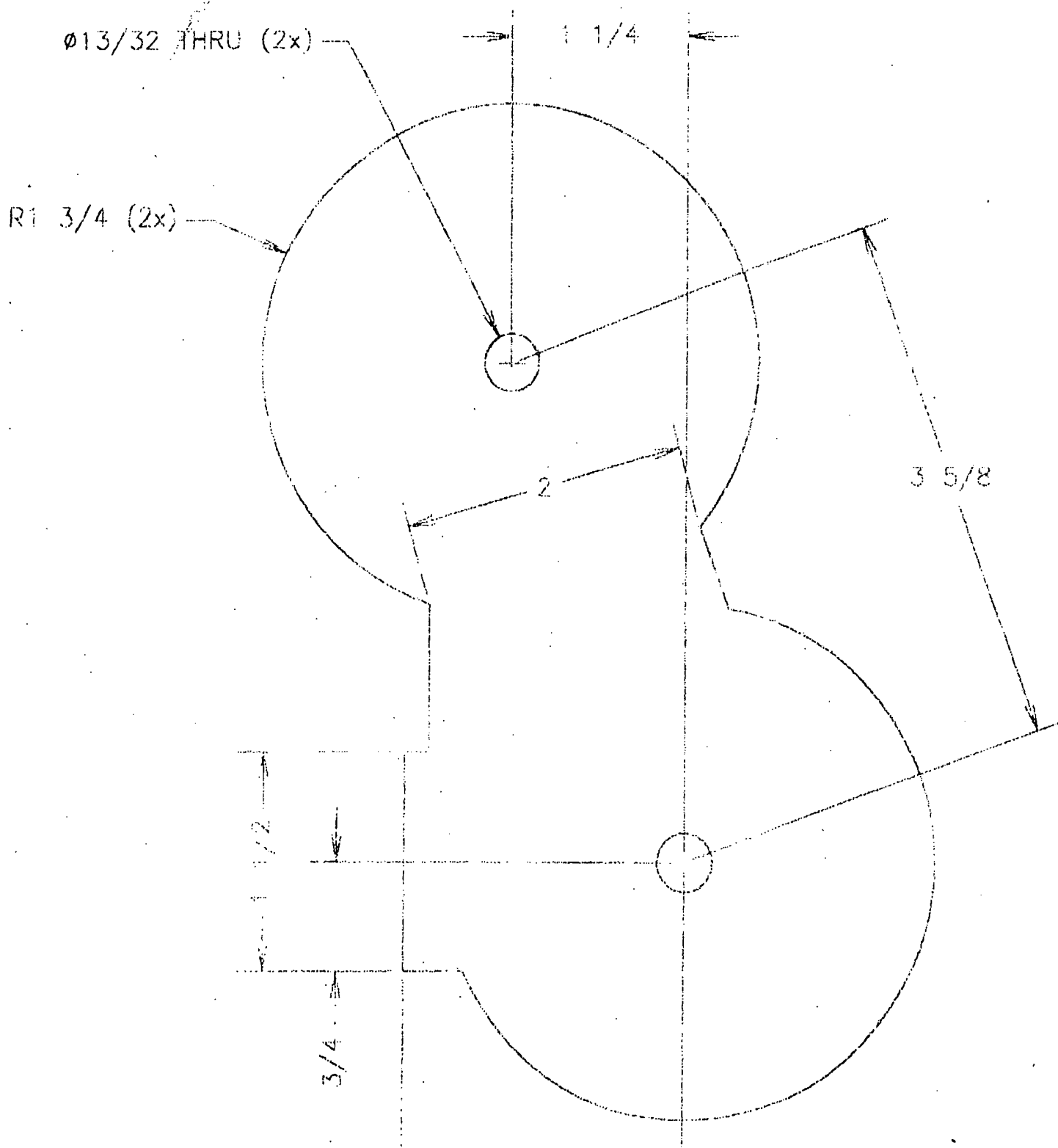
2X3X43 $\frac{1}{4}$



2X3X43 $\frac{1}{2}$

26 $\frac{1}{2}$





# Invoice

DATE  
8/29/2001

INVOICE #  
7900

## BILL TO

Danny Mitchell  
Box 171 Partian Rd.  
New Hill, NC 27562  
919-387-0363

**PAID**

HIP TO

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT
verbal	PIA	RON	8/29/2001	CPU	Raleigh, NC	
QUANTITY	ITEM CODE	DESCRIPTION			PRICE EACH	AMOUNT
1	FT3-loaded	FT3 w/ freeweight bar/safety catches, smith system, FID bench, cable system & stack, weight stack enclosures, leg extension & curl attachment, preacher curl attachment, chin up bar			3,200.00	3,200.00T
		Prototype			0.00	0.00
		NC Sales Tax			6.00%	192.00

**Total**

**\$3,392.00**